Rep. Van Roy Testimony Substitute Amendment to AB 353 / SB 181 Consumer Choice in Auto Repairs July 11, 2007

Thank you Chairman Lasee and fellow members of the committee. I appreciate you taking the time to hold a hearing on this important consumer choice legislation. As you were informed prior to the hearing, my comments will be addressing the substitute amendment which I have introduced to address some concerns that have already been raised by the insurance industry.

When you buy auto insurance and get in an accident, you expect that you should be able to get your car repaired wherever you want. Unfortunately, that is not always the case. Consumers in Wisconsin and across the nation are complaining about aggressive steering practices by some auto insurance companies.

Some insurance companies are flatly refusing to cover repair costs not done at shops approved by them. Some have gone so far as to tow a customer's car, without the owner's consent, from the repair shop chosen by the individual to a repair shop chosen by the insurance company. Sometimes they are more subtle in their approach. They give you a list of their preferred shops and say here is where you can go to have your car fixed, making you think these are your only options. Or they may say that if you don't go to a repair shop chosen by them that the repair work will be delayed, will cost more, will be of inferior workmanship and quality, or will not be guaranteed. The goal is to steer you away from your chosen repair shop to a place the insurance company wants you to go.

There are SIX components to my bill:

<u>FIRST:</u> Current Wisconsin law expressly prohibits auto insurance companies from requiring customers to go to certain repair shops to have damaged glass repaired or replaced in their vehicle. My bill expands that language to cover <u>all</u> repairs to a motor vehicle, not just glass repairs.

This provision of the bill is to provide greater consumer protection.

The SECOND component states that: "Wisconsin law prohibits an insurance company from requiring that motor vehicle repairs be made by a particular repair facility; the consumer has the right to choose the repair facility." It requires this notice to appear in writing in two places: 1) On the top of all motor vehicle repair estimates, and 2) On a sign posted inside auto body repair facilities or auto insurance claim centers.

This provision of the bill is to ensure that consumers have knowledge of their rights.

<u>The THIRD</u> component requires that when a person files a claim for repairs, the insurance company must orally inform the consumer of their right to have the vehicle repaired wherever the individual chooses and that the insurance company will pay the reasonable cost to fix the vehicle.

This provision in the bill is to ensure that consumers have knowledge of their rights.

<u>The FOURTH</u> component of the bill requires the insurance company to ask the consumer if he or she has selected a repair shop to repair the vehicle. Depending on the answer, there may be restrictions.

If the consumer says anything like: I have not made up my mind, I don't know where to go, I can't decide between Jim's Auto Body or Frank's Auto Body, do you have any suggestions or recommendations, where do most people take their cars, where would you take your car for repairs, or anything that indicates the person has NOT made a choice, then the insurance company is free to provide **any and all** information to assist that consumer with making a decision, including promoting the use of a repair shop that participates in the insurance company's direct repair program.

If the person says yes, I know where I want my car fixed, or I want to take my car to Jim's Auto Body on Main Street, or any other statement indicating that a final decision has been as to where to fix the car, then the insurance company must immediately honor that consumer's choice and not attempt to change the person's mind.

This provision in the bill is to prevent aggressive steering and pressuring tactics and to ensure consumer choice in auto body repair-work.

<u>The FIFTH</u> component of the bill fully recognizes and authorizes insurance companies to contract with repair shops for reduced rates under a direct repair program. It also fully recognizes and authorizes insurance companies to negotiate reduced rates on a case-by-case basis with repair shops that are <u>not</u> part of their direct repair program.

However, in instances where contracts and negotiations have not been made, the bill requires the insurance company to pay the entire cost of the auto repairs up to, but not exceeding, the market rate on <u>that</u> repair, on <u>that</u> type of car, in <u>that</u> geographic area.

This provision in the bill is to guarantee that an insured gets the full benefit of their insurance plan. A consumer should not have to pay the difference between the actual market rate of fixing the car versus the below-market rate the insurance company would have paid to a direct repair shop had the consumer chosen to go there.

Illustrations: Direct Repair Plan Rate: \$60 VS. Going Market Rate: \$100

- Auto Body Shop 1 charges \$110 for the repair --- The insurance company would pay \$100 ("entire cost of the repair up to but not exceeding the same rate the general public pays...") and the consumer would have to pay the other \$10.
- Auto Body Shop 2 charges \$85 for the repair --- The insurance company would have to pay \$85 (the "entire cost of the repair") and the consumer would pay \$0.

<u>The SIXTH</u> component of the bill makes clear that that an insurance company has the <u>right</u> to inspect a vehicle in need of repair. However, it does not <u>require</u> an insurance company to inspect a vehicle.

This provision was added at the request of an insurance company to clarify their rights.

The bottom line is that even though in theory consumers have the choice to have their car repaired where they want, the reality is that this is not always happening in practice. The consumer complaints about aggressive steering and pressuring tactics are identical from state to state. They are even working on anti-steering legislation in Australia. Based on some preliminary research, at least a dozen other states have passed similar legislation, and at least 6 other states are working on it.

Some states have gone so far as to completely ban insurance companies from forming direct repair or preferred provider networks at all. I don't believe we should go that far, but it is definitely time for Wisconsin to put some much needed safeguards in place to protect consumers and make sure they have real choice.

Known Supporters:

- Independent Glass Association
- Wisconsin Independent Businesses
- Wisconsin Automobile & Truck Dealers Association
- Wisconsin Auto Collision Technicians Association

Correcting false claims that have been made about this bill

- The bill does not prohibit direct repair programs.
- The bill does not prohibit negotiating reduced rates for repairs.
- The bill does not require insurance companies to pay the "highest rate."
- The bill has absolutely nothing to do with the use of aftermarket, generic or other parts versus original equipment manufactured parts.
- The bill does not prohibit nor does it require an insurance company to inspect a damaged vehicle.

JJS Auto Body Clinic

511 22nd Av Cumherland Wi 54829

Phone (715) 822 2600 Fax (715) 822 2621

July 11, 2007

Chairman Frank Lasee Asssembly Committee on Insurance

Dear Chairman Lasee,

I am writing to you on behalf of The Indianhead Auto Body Association. We are a group of Body Shops in nortwestern Wisconsin. We represent over 25 body shops in this part of the state. We are one hundred percent in favor of Assembly Bill 353. Unfortunately we are unable to send someone to represent us at the committee hearings on Wed. July 11th.

We believe this legislation is critical for our industry. Small buisinesses like mine are burt when our customers are told that they have to have their vehicles repaired at a different shop of the insurance companies choosing. Most often these shops are chosen by their willingnesses to give price concessions in exchange for a promise of a larger volume of work directed to them by the participating insurance company.

I will tell you about two specific examples that have happened to my shop. The first example is a past customer named Frank. He was involved in an accident and notified his insurance agent. When he was contacted by his insurance company he was told he had to take his vehicle to a shop fifteen miles away to have it repaired. We did not hear about the incident until after the vehicle had already been repaired. When we informed Frank that his company was just using strong arm tactics he was outraged! We lost a repair job from a previously loyal customer who was unfairly succeed away from our shop. The second incident involved Matt. Matt was involved in an accident and came to us for an estimate because he had been happy with our service in the past. He had another time been told by his insurance Company he had to take his vehicle to a shop of their choice. The shop the insurance company sent him to started repairs immediatly but then delayed finishing the job to begin repairs on other vehicles sent to them by the insurance company. Matt was not happy with this arrangement and gave us the repair job because he knew we would tie up his vehicle the least amount of time.

These are some examples that we know of , what about other past or potential customers do we not know about because their insurance company steered them somewher else? Our association believes that your committee should send this legislation to the full Assembly for their consideration.

Sincerely,

Brian Keeler

Jon Stevermer
State Farm Insurance
8101 Excelsior Drive
Madison, WI 53717-1905
(608) 836-5261
jon.stevermer.craw@statefarm.com

I live in Sun Prairie, WI and work for State Farm Insurance. I urge you to oppose SB 181 / AB 353 and offer my testimony on behalf of State Farm, our customers and my family.

Having worked in the collision repair industry for 15 years, I know how challenging the industry can be. Having worked for State Farm Insurance for more the 17 years, I truly appreciate just how important these programs are to the average consumer and the significant risks this legislation represents – higher insurance costs and lower customer satisfaction.

While I have serious concerns with most areas of this legislation, I would like to focus on two issues in Section 5 of the amended bill.

Overall, Section 5 interferes with the ability of our agents to be a valuable resource to our customers. It will keep them from sharing important information about programs designed to assist them in repairing their car. Information customers need in order for them to make an informed decision.

Collision repair is much more complicated than it was just a five years ago and it will continue to get more challenging in the years ahead. Today, a typical repair involves high tech materials, very sophisticated safety systems and hybrid technology.

The collision repair industry lacks any repair quality standards, licensing requirements, certification or education, so the selection of a repair facility is a very important one. But very few people possess the knowledge or resources needed to make an informed decision when choosing a repair facility or even know the types of questions they should ask. Why should they? On average, policyholders only report a collision loss once every 14 years and cars have changed dramatically during that time! Our program was developed to help the average consumer, to improve their repair experience and to ensure quality repairs.

State Farm implemented the Service First program in 1996 in response to changes in the repair technology and customer demand. Since then, we've worked to streamline the claims process and improve customer satisfaction by partnering with high performing repairers.

These programs are also about convenience. Both men and women work more hours today than any generation before. These programs give the customers the flexibility they need as they try to maintain balance between

their personal and professional lives. They also enjoy the freedom and convenience of having any warranty related issues resolved anywhere in the US or Canada without the worry of about returning their car to the original repairer for warranty service.

State Farm supports customer choice. The first line of our pamphlet clearly states that fact. Customers are informed that they make the decision when it comes to selecting a repair facility and only they can authorize those repairs. Our efforts are to simply introduce our customers to available repair options and any benefits that may apply.

Customer satisfaction is our focus. We simply want the customer to be happy with their repairs and their choice in repair facilities. Customer surveys consistently show a very high level of satisfaction with the repairs, the repair facility and with State Farm.

Repairs	
97.0%	Satisfied
2.1%	Neutral
.9	Dissatisfied
Repair facility	
97.6%	Satisfied
1.3%	Neutral
1.1%	Dissatisfied
State Farm	
98.2%	Satisfied
1.3%	Neutral
.5%	Dissatisfied

State Farm supports and respects customer choice. We have no interest in interfering with any relationship customers may have with a repairer. Our processes and agreements with program repairers reinforce this message. The customer always makes the decision.

Repairers on our program agree to:

- o Protect and not share or sell customer information
- Provide the customer with a guaranteed completion date helping to minimize out of pocket expenses for the vehicle owner
- Offer a nationwide, lifetime repair warranties providing security, as well
 as flexibility and convenience when corrective repairs are needed. It
 also fills the void whenever body shops change ownership or close
- Pursue training and certification to keep pace with rapidly changing repair technology
- o Be accountable for their performance and billing practices.

The other area of concern is language stating "that the insurer will pay the reasonable cost of repairs".

2. Orally inform the insured or 3rd party that the insurer will pay the reasonable costs of the repair regardless of which garage, repair shop, or other vendor the insured or 3rd party selects to make the repair.

The term "reasonable" is highly subjective and ambiguous. In California there is abundant litigation in the small claims court system over whether a shop's rate is "reasonable". Litigation expenses ultimately get passed to the consumer. In Wisconsin, we have maintained competitive rates with the second lowest rates in the nation, according to the National Association of Insurance Commissioners (NAIC). We should avoid putting into law, language that will open the door to litigation and put upward pressure on insurance costs.

Again, State Farm supports customer choice. Our programs are simply intended to help customers by providing them access to valuable information.

This legislation is simply unfair to the consumer because it hides important benefits and puts nothing in place to protect the policyholder's interests.

By concealing this information from the customer, this legislation will negatively impact more than 575,000 Wisconsin State Farm customers through added risk and increased expenses.

I urge you to oppose SB 181 / AB 353.

June 29, 2007

Glenn's Auto Body 200 W. St. Paul Ave. Waukesha, WI 53188

Glenn:

I just wanted to reiterate the history of the insurance claim that has brought me to your door for body work on my 1999 Mazda.

My car was parked at a repair facility when another customer of that facility backed into it. That customer's insurance company, Allied Insurance, called to discuss the claim.

I had already received an estimate from your company, and I had already decided I wanted you to do the work.

I told the agent my decision to have the repairs done at Glenn's Auto Body in Waukesha and offered a copy of the estimate. The agent told me he understood that I had already made up my mind, but he still had to read through a script concerning the repairs.

He asked several questions about the repair including what was damaged, where I was considering having it repaired, etc. He then told me that if I took it to one of their preferred service centers (which I have used in the past, but will not use again), I would not have to deal with estimates or an adjuster or any paperwork. I declined. He then stated that I would have to meet with an adjuster who would call me later in the day.

That adjuster met with me that afternoon and when I told him I already had a quote from Glenn's Auto Body, he stated that it didn't matter to him, but that all body shops used the same kind of paint and they all use the same process. A check was issued to me for the body work that was \$104 less than your estimate. He also said that if there were any problems with that number he would be work it out with you.

After talking to you, I agreed to have the work at your shop and you will deal with the adjuster and his estimates of the time needed for repair and the supplies needed to affect the repair.

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I will see you the week of the 9th to complete this repair.

Sincerely.

Kathy Roby

2715 Darrell Drive

Waukesha, WI 53188

athy Lakes

262-650-0179

Date: Mon, 04 Jun 2007 09:04:18 -0700

From: LydenAutoBody@centurytel.net

To: info@wactal.com

Subject: Contact WACTAL

Below is the result of your feedback form. It was submitted by (LydenAutoBody@centurytel.net) on

Monday, June 04, 2007 at 09:04:18

FirstName: Jeff

LastName: Lyden

Title: Service Mgr./Estimator

Organization: Lyden Auto Body, Inc.

Address1: 25177 US Hwy 12

City: Tomah

State: wisconsn

ZipCode: 54660

Country: usa

TelephoneNumber: 608-372-2900

FaxNumber: 608-372-2980

QuestionsComments: The following customer advised me that her insurance company was trying to steer her to a shop other than our shop. Her insurance companay is Progressive. She stated that you may contact her regarding this. Her information is the following:

Vicki Nemitz W2162 Cty Rd HH Warrens, WI 54666 608-378-4987

Thank you,

Jeff Lyden

On Feb.23, my wife was hit by another vehicle in Middelton, WI .Her '01Acura TL was hit on the right side of the car with damage exceeding \$9000.00 dollars. The other driver was citied by the Middleton police. She has Liberty Mutual Ins.

So on Thursday Feb.24 I took the vehicle to Zimbricks body shop for an estimate and was told to contact Liberty Mutual Ins. I called to see where they wanted me to send the estimate at (1-800-838-7103 x362) and spoke with a claims representative, Angela, I told her that I had an estimate from Zimbricks and I need to know where to send it. She told me that she would not accept an estimate from Zimbricks. So I asked her why, she said that I have to go to one of their shops for an estimate. I said I do not have to go to one of their shops and that Zimbricks will be fixing my vehicle. She said fine, have Zimbricks fix the vehicle but you still have to go to one of their shops for an estimate. I said no I don't have to go to one of their shops for an estimate if I'm going to have Zimbricks fix my car, you can send out one of your field adjusters to go over the estimate and the car. She said that their field adjusters where too busy to do that and if I would get an estimate at one of their shops and if their was an add on, that she would send out a field adjuster. I said to her, "you told me that they where too busy". She said that this is our policy and procedures and that she was going stick to them. So I said fine, just pretend that I never called and that I will have my insurance company handle it.

Sincerely Steve Kohlman 849-8826 Hm 576-8610 Cell Representative Frank Lasse, chair Assembly Committee on Insurance

Senator Roger Breske, chair Senate Committee on Transportation, Tourism, and Insurance

Dear Honorable Lasee and Honorable Breske:

Regretfully I'm unable to travel to Madison on July 11th to take advantage of the opportunity you're providing to testify on AB 353 and SB 181. However, my recent experience reinforces my belief that AB 353 and SB 181, which would give consumers the right to decide who repairs their vehicle, should be passed into law. I ask that you and your respective committee members vote in favor of AB 353 and SB 181.

Please accept this letter and the following details of my recent experience in lieu of my actually testifying.

Last month a woman insured with Liberty Mutual backed into my parked van. My van sustained minor damage to the front bumper.

A representative from Liberty Mutual contacted me to obtain information about my vehicle, confirm what happened, and inquire if I would be submitting a claim.

Peterson Auto Body wrote an estimate which was emailed to Liberty Mutual along with pictures of the damage. I called Liberty Mutual to find out what was happening. The Liberty Mutual representative stated I must get an estimate from a Liberty Mutual preferred shop. I then called Liberty Mutual back speaking to the same person I spoke to initially and was told Liberty Mutual would not process a claim unless I went to one of their sites.

I took my van to a Liberty Mutual preferred shop requesting the estimate be written with a new OE front bumper. The shop estimator stated he would not submit an estimate written with a new bumper stating the insurance company would not accept it.

I received a phone call from the Liberty Mutual preferred shop stating they were calling on behalf of Liberty Mutual to set up an appointment for the repairs. This call was made shortly after the preferred shop wrote the estimate. I hadn't even gotten home before the call was made.

As of July 10, 2007 I've had no further contact with Liberty Mutual and I'm not sure of the status of my claim.

Respectfully.

Linda Peterson New Berlin, WI

Gendo Leterson

To Whom It May Concern:

I have a few concerns about m vehicles and they wanted me to because I have been dealing we pleased with his work and I kn work but they could if went to I didn't know so I still went to

uto insurance company. I had a claim this past month on my o to their repair shop. I asked about going Jim's Auto Body h m for probably close to 20 years and I have always been very l can trust him. They told me that they could not guarantee his in repair shop. I didn't feel comfortable going to someone that n's because I know I can trust him.

JIMS AUTO BODY

My insurance adjuster had a di would take to fix and they call would only allow so much time go to their shop and not have to a supervisor at my insurance have to pay any extra money.

me to tell me I would have to pay the extra money because they n it. They told me I could still pull the vehicle out of Jim's and ay any extra. I chose to keep the vehicle at Jim's and he talked id he agreed with Jim on the time it would take and I didn't

I think that you should have the insurance company should not don't feel comfortable going to

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heice to go to whatever repair shop that you choose and the to persuade you to go to one of their authorized shops. I just st op that I don't know anything about.

Sincerely,

Patricia A Sauls

Bristol, wi

AS a Voting Wisconsin CONSUMER, I am asking my state government to focus on legislation that allows me to CHOOSE A COLLSION REPAIR SHOP without intimidation, threats or misleuding comments of any kind from an insurance representative.

I want my decision to be based on my own experiences including prior repairs, friend and family referrals and my own ability to make a choice. I will not stand for insurance pressure, intimidation and falsehoods to coerce me into getting repairs done at a shop who works for the insurance company. Let me choose a repairer and let business persevere as it was meant to in a FREE MARKET!!!

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JIM'S AUTO BODY, INC. 400 S. PINE STREET (HWY 83 S.) BURLINGTON, WI 53105

BURLINGTON, WI 53105

PETITION TO WISCONSIN STATE LEGISLATORS

AS a Voting Wisconsin CONSUMER, I am asking my state government to focus on legislation that allows me to CHOOSE A COLLSION REPAIR SHOP without intimidation, threats or misle ding comments of any kind from an insurance representative.

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AS a Voting Wisconsin CONSUMER, I am asking my state government to focus on legislation that allows me 10 CHOOSE A COLLSION REPAIR SHOP without intimidation, threats or disleading comments of any kind from an insurance representative.

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Name OUSTOM CAR CARE BODY & PAINT 9010 Michigan Avanua Signature	
Ph. (262) 886-1005 / Fax (262) 886-1020	
PATVICK JAGER 906 Koshinton Kil Kenosla (i. 53/40)	_
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MYS AUTO BODY, INC. - 3. PINE STREET (HWY 83 S.)

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AUTOBODY, INC.

SESTREET (HWY 83 S.)

HIGHORN, WI 53105

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AS a Voting Wisconsin COLISUMER, I am asking my state government to focus on legislation that allows me to CHOOSE A COLLSION REPAIR SHOP without intimidation, threats or mislealing comments of any kind from an insurance representative.

I want my decision to be based on my own experiences including prior repairs, friend and family referrals and my own ability to make a choice. I will not stand for insurance pressure, intimidation and falsehoods to coerce me into getting repairs done at a shop who works for the insurance company. Let me choose a repairer and let business persevere as it was meant to in a FREE MARKET!!!

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insurance pressure, intimidation and falsehoods meant to coerce me into getting my repairs done at a shop of insurer preference. I prefer to choose who repairs my car! Let the choice be mine—ensuring that business is conducted in the manner it was meant to: in a FREE MARKET!!!

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### PETITION TO WISCONSIN STATE LEGISLATORS

AS a Voting Wisconsin CONSUMER, I am asking my state government to focus on legislation that allows me to CHOOSE A COLLISION REPAIR SHOP without intimidation, threats or misleading comments of any kind from an insurance representative.

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Chris B	erlin R12513Th	St. ECWF	54703 C	150
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AS a Voting Wisconsin CONSUMER, I am asking my state government to focus on legislation that allows me to CHOOSE A COLLSION REPAIR SHOP without intimidation, threats or misleading comments of any kind from an insurance representative.

<i>-</i>	Name	Address	City	Signature
	Alan Sonford	9125, East Are	Waukesha wx 53186	Clan Sarful
	J. of Sport	10522 M. Gran	dheld are west pair	53214 JMach
	DAUE EHLERS	WI48 NT310 WOODLAND	DR HENDWEE FACES WITS 3	051 Of SIZ
	Pat Thach	2709 Mart LN	Wankesha W. 53	188 Potkare
	Mark Beant	2452 5 7th St	Westayis uf 5321	4 Miles
	Thomas BINGAMAN N	26 W 24 May River PORK	DR HG Pawarker wt 5	3072 Shown of laygour
			D- Susjex WI 530	
	MATTED DAG	Hato w29733	3130 Bostlehan Rd 1	LANGUESTES
ľ	Margen Dip	24 1947 Divise	DR#3 WKW153189	Mayrew Diper
	Kodney Hento	N N/159 SAUK TR	Ail Color Grove W153013	Ling With
C			NORWAUKRO. COLA	
	Tim Glowacki	V1924 CENTER	ST FAST TROY WI	53120
	Raymond King	3862 E Somes A	We Culdow WI 53/10	Ald
_	Tim Rungas	553 N 66	+ 1 St Wannestesale	st 53210 Fg

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Dave	MARTSHEON D	59295 B	T TO POUROUT WIT
JEHAT	VERSON 1703	LIGHUAND A	DE FRO Clare WE 5708
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Name	Address	City 🚉	Signature
Jamie Maas	6960 55H St	Chippeius Falls, WI	Janis L. Haas-
	DIE 10648 147 S	+ CHIPPILED FALLOUI	12 - 12 - Z
4016611 BE	nish 12710 (	tythou B Chippowat	alk WI Abloom Bon 1-
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Darok C	15264	132nd st Chipper	wa talls, wi
Dan Post	18/38 la Hours	C, Bloomer, WI	uc Fall WI Judy
		_ , VIOUNCEI , WI	- June 7

AS a Voting Wisconsin CONSUMER, I am asking my state government to focus on legislation that allows me to CHOOSE A COLLSION REPAIR SHOP without intimidation, threats or misleading comments of any kind from an insurance representative.

I want my decision to be based on my own experiences including prior repairs, friend and family referrals and my own ability to make a choice. I will not stand for insurance pressure, intimidation and falsehoods meant to coerce me into getting my repairs done at a shop of insurer preference. I prefer to choose who repairs my car! Let the choice be mine-ensuring that business is conducted in the manner it was meant to: in a FREE MARKET!!!

Name

Address

City

Signature

Courtney Sparth 14192 90th Ave Chippewa Falls Country Sparth
Leveny Kruzger 14644 46th Ave IV Chippens Falls lung Komm
TERRY SPAETH 14/92 90 to AUE CAIPPEWA FALLS COUNTY SANCH
Donna Sporth 14192 90th Are CF Donna Sport
Rachel Sparth 913 Lakeside Ave EC Rachel Sparth
Then Herrington 4947 Kappu Dr 73 FC. 2/5-2
Chuck Hall 14134 89TH Ave Chippens Falls Chuck Hall
Fred Hankel 5776 Pert D. Chan Olive WISHIN DA
Make There 2624 Yorkkun CT En Clyce W. 54703 Phle Und
Wade With JUIS Southward du Sur Clara WE 5470, Wat 150
Sout Breaky 1628 Farmy St EauChar W SITUS OR
James Nettoepres 13776 92 Ave Chipping Falls Jam h. Aug
TOW MISTELDT 9955 13400 CHIPPERD FOUS 7/1/2 POLLS
Then P. For has 1402 white pine drive Buy claime wit Thund Soul

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